



08 447118

Applicant or Patentee: Linda C. Burkly  
Serial or Patent No.: Not yet assigned  
Filed or Issued: Filed Herewith  
Title: TREATMENT FOR INSULIN DEPENDENT DIABETES

Attorney's  
Docket No.: BGP-151CP (D015USCIP2)

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN BIOGEN, INC.  
ADDRESS OF SMALL BUSINESS CONCERN 14 Cambridge Center  
Cambridge, Massachusetts 02142

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.


If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Michael J. Astrue  
TITLE OF PERSON OTHER THAN OWNER Vice President and General Counsel  
ADDRESS OF PERSON SIGNING Biogen, Inc., 14 Cambridge Center, Cambridge, MA 02142  
SIGNATURE  DATE 5/18/95

Attorney's  
Docket  
Number BGP-151CP  
(D015 US CIP2)

Declaration, Petition and Power of Attorney  
for Continuation-in-Part Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TREATMENT FOR INSULIN DEPENDENT DIABETES

the specification of which

(check one)

X is attached hereto.

— was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_.

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

This application in part discloses and claims subject matter disclosed in my earlier filed pending application,

Serial No. 08/029,330 filed February 9, 1993, and PCT/US94/01456 filed February 9, 1994

and I hereby claim the benefit of said United States prior application under Title 35, United States Code, §120.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information know to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

AS TO PARENT APPLICATION:

As to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that the common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and

As to applications for patents or inventor's certificate or PCT international application(s) designating at least one country other than the United States of America, on the common subject matter, filed in or designating any country foreign to the United States of America, prior to said earlier application by me or my legal representatives or assigns,

Check one:

☒ no such applications have been filed.

☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID EARLIER U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID EARLIER U.S. APPLICATION


AS TO THIS APPLICATION:

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that said non-common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and

As to applications for patents or inventor's certificate or PCT international application(s) designating at least one country other than the United States of America, on said non-common subject matter, filed in or designating any country foreign to the United States of America, prior to this application by me or my legal representatives or assigns,

Check one:

☒ no such applications have been filed.

☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Paul Louis Myers	Reg. No. <u>35,965</u>	Edward J. Kelly	Reg. No. <u>P38,936</u>
John A. Lahive, Jr.	Reg. No. <u>19,788</u>	John V. Bianco	Reg. No. <u>36,748</u>
W. Hugo Liepmann	Reg. No. <u>20,407</u>	Jeremiah Lynch	Reg. No. <u>17,425</u>
James E. Cockfield	Reg. No. <u>19,162</u>	Amy E. Mandragouras	Reg. No. <u>36,207</u>
Thomas V. Smurzynski	Reg. No. <u>24,798</u>	Elizabeth A. Hanley	Reg. No. <u>33,505</u>
Ralph A. Loren	Reg. No. <u>29,325</u>	Matthew P. Vincent	Reg. No. <u>36,709</u>
Thomas J. Engellenner	Reg. No. <u>28,711</u>	Paul Louis Myers	Reg. No. <u>35,965</u>
William C. Geary III	Reg. No. <u>31,359</u>	Beth E. Arnold	Reg. No. <u>35,430</u>
David J. Powsner	Reg. No. <u>31,868</u>	Anthony A. Laurentano	Reg. No. <u>38,220</u>
Giulio A. DeConti, Jr.	Reg. No. <u>31,503</u>	Jane E. Remillard	Reg. No. <u>P38,872</u>
Michael I. Falkoff	Reg. No. <u>30,833</u>	Jean M. Silveri	Reg. No. <u>P39,030</u>
Ann Lamport Hammitte	Reg. No. <u>34,858</u>	Mark A. Kurisko	Reg. No. <u>P38,944</u>

all of Lahive & Cockfield, and;

Leslie M. Levine, Reg. No. 35,245  
Warren A. Kaplan, Reg. No. 34,199  
of BIOGEN, INC., 14 Cambridge Center, Cambridge, MA 02142

Send Correspondence to:

Louis Myers, Esq., Lahive & Cockfield, 60 State Street, Boston, MA 02109

Direct Telephone Calls to: (name and telephone number)

Louis Myers, Esq., (617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	
Linda C. Burkly <i>LC</i>	
Inventor's signature	Date
<i>Linda C. Burkly</i>	5-21-95
Residence	
34 Winthrop Street, West Newton, Massachusetts 02165 <i>Ma</i>	
Citizenship	
United States of America	
Post Office Address (if different)	
Same as above	